

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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PAUL T. PAPADAKIS,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO
-vs-	:	04-30189-MAP
	:	
CSX TRANSPORTATION, INC.,	:	
	:	
Defendant,	:	
-----X		

**AFFIDAVIT OF ATTORNEY ROBERT M. BYRNE, JR.**

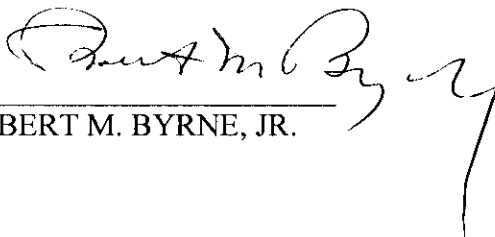
I, Robert M. Byrne, Jr., Attorney for the Plaintiff in the above referenced matter depose and say as follows:

1. When I called Attorney Bethany Machacek, counsel for CSX Transportation, Inc., to discuss her client's response to Plaintiff's Rule 36 Request for Admissions.
2. I explained to Attorney Machacek that I felt that many of her client's rejections to the request were not well taken and that I would like to discuss them in greater detail.
3. She advised me that she would discuss the matter with Attorney Michael Flynn and call me back to discuss it in more detail.
4. I waited approximately one week and then sent Attorney Machacek a letter (see Exhibit A) requesting that they contact me to discuss my intent to file a Motion to Compel unless substantive responses to the Rule 36 Request were provided.

More than fourteen business days have now passed since the defense counsel was asked to contact me to discuss my intentions to file a Motion to Compel. The Defendant's counsel has

not contacted me regarding this matter.

Signed under the penalties of perjury this 31st day of August, 2005.

  
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ROBERT M. BYRNE, JR.